

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PUBLIC EMPLOYEES' RETIREMENT SYSTEM :
OF MISSISSIPPI et al., :
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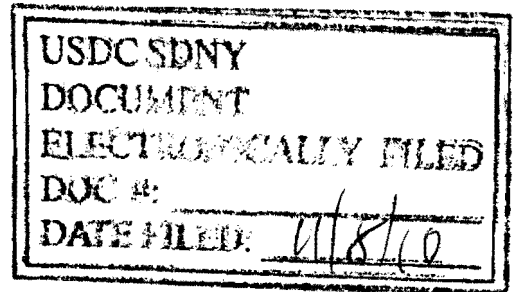
Plaintiffs, :

-v- :

MERRILL LYNCH & CO. INC., et al., :

Defendants. :
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JED S. RAKOFF, U.S.D.J.



08 Civ. 10841 (JSR)

ORDER

On May 20, 2009, plaintiffs filed a consolidated Class Action Complaint asserting claims for violations of Sections 11, 12(a)(2), and 15 of the Securities Act of 1933, 15 U.S.C. §§ 77k, 771(a)(2), 77o, in connection with the sale of mortgage pass-through certificates that were offered for sale by means of documents that allegedly contained untrue statements and material omissions. All defendants filed motions to dismiss, and the Court resolved the motions by an Opinion and Order issued on June 1, 2010. See Public Employees' Retirement System of Mississippi v. Merrill Lynch & Co. Inc., No. 08 Civ. 10841, 2010 WL 2175875 (S.D.N.Y. June 1, 2010). The Court dismissed several claims with prejudice, held that certain claims survived the motions to dismiss, and dismissed the remaining claims without prejudice to give plaintiffs one more chance to adequately plead the asserted violations.

On July 6, 2010, plaintiffs filed an Amended Class Action Complaint in which they reasserted the surviving claims and attempted

to replead most of the claims the Court dismissed without prejudice in its June 1, 2010 Opinion and Order. In response, motions to dismiss were filed on August 6, 2010 by all defendants remaining in the case, namely Merrill Lynch & Co., Inc. ("Merrill"), Merrill Lynch Mortgage Investors, Inc. (the "Merrill Depositor"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch PFS") (collectively, the "Merrill Lynch Defendants"); Matthew Whalen, Paul Park, Brian T. Sullivan, Michael M. McGovern, Donald J. Puglisi and Donald C. Han (collectively, the "Individual Defendants"); and J.P. Morgan Securities, Inc. ("J.P. Morgan") and ABN AMRO, Incorporated ("ABN AMRO") (collectively, the "Junior Underwriters").

For reasons that will be set out in a forthcoming written opinion, the claims asserted against the Junior Underwriters, and therefore, as to all defendants, the claims that relate to the offerings in which the Junior Underwriters are involved, are dismissed with prejudice. The motions to dismiss are otherwise denied. The Clerk of the Court is directed to close document numbers 104 and 107 on the docket of this case.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
November 8, 2010